

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HENRIETTA SMITH as next friend of)
H.K. and N.S, and)
NICKEIL BETHEA-SMITH,)
)
Plaintiffs,)
)
v.)
)
STACEY BAINS,)
KARA PADGETT,)
AMANDA BROWN,)
STACEY KELLY,)
OCTAVIA KEITT,)
DANIELE CATHEY,)
JERONIA BOWDEN,)
TIARRA CARTER,)
CARYN FORBES, and)
WELLPATH, LLC)
)
Defendants.)

Case: 1:24-cv-02102-TWT

NOTICE OF ISSUANCE OF SUBPOENA

Notice is hereby given to the parties of the intent to issue the following
Subpoena, a copy of which is attached, by Plaintiffs on May 1, 2025:

1. Subpoena directed to Cobb County Sheriff Craig D. Owens Sr.

Submitted on May 1, 2025.

Jeff Filipovits

Georgia Bar No. 825553

jeff@civil-rights.law

Wingo F. Smith
Georgia Bar No. 147896
wingo@civil-rights.law

SPEARS & FILIPOVITS, LLC
315 W. Ponce de Leon Ave., Ste. 865
Decatur, Georgia 30030
404-905-2225

CERTIFICATE OF SERVICE

I certify that I have served the foregoing document by filing the same via CM/ECF which will electronically generate notice and service to all counsel of record.

Submitted on May 1, 2025.

SPEARS & FILIPOVITS, LLC
315 W. Ponce de Leon Ave.
Suite 865
Decatur, GA 30030
404-905-2225

Wingo F. Smith
Georgia Bar No. 147896
wingo@civil-rights.law

UNITED STATES DISTRICT COURT

for the
Northern District of Georgia

HENRIETTA SMITH, et al.

Plaintiff

v.

STACEY BAINS, et al.

Defendant

Civil Action No. 1:24-cv-02102-TWT

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Cobb County Sheriff Craig D. Owens Sr.

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attachment Exhibit A.

Place: Spears & Filipovits, LLC
315 W. Ponce de Leon Ave., Suite 865
Decatur, GA 30030

Date and Time:

May 31, 2025, 2:00 p.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/01/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Wingo F. Smith

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) HENRIETTA SMITH as next friend of H.K. and N.S., and NICKEIL BETHEA-SMITH, who issues or requests this subpoena, are:

Wingo F. Smith, 315 W. Ponce de Leon Ave., Suite 865, Decatur GA 30030, wingo@civil-rights.law, 404-905-2225

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:24-cv-02102-TWT

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Exhibit A

1. Please produce a complete roster of all employees of the Cobb County Sheriff's Office who worked in the Cobb Detention Center in April 2022 through and including May 2022.

2. To the extent that it does not appear in the roster provided in response to Number 1, please produce a complete list of each employee's alphanumeric identification number from April 2022 through and including May 2022.

3. The complete personnel files for the following officers working for Cobb County Sheriff's Office:

- a. Stacey Bains
- b. Kara Padgett
- c. Amanda Brown
- d. Stacey Kelly
- e. Octavia Keitt
- f. Daniele Cathey
- g. Caitlyn Williams
- h. Jennifer Williams
- i. Amber Johnson
- j. Cynthia Bergman
- k. Col. Westinburger
- l. Lt. Yeshurn

m. Lt. Wilson

4. To the extent not included in their personnel files, please provide a copy of all accommodations, grievances, complaints, performance reviews, and disciplinary records for the officers listed above in request Number 3.

5. Provide a complete roster of persons incarcerated and housed in the blocks where Nicole Smith was housed at the Cobb County Jail from March 1, 2022, through and including May 19, 2022.

6. Provide a complete list of all persons incarcerated at the Cobb County Jail who served as orderlies or had work details whose work was performed in whole or in part in the blocks where Nicole Smith was housed from May 12, 2022, through and including May 19, 2022.

7. Provide the full post roster for the jail from April 1, 2022, through May 19, 2022.

8. Provide the full copies of the inmate files for the following people who were incarcerated at the Cobb County Jail.

a. Nicole Smith

b. Elizabeth Liuzzi

c. Samantha Pollard

9. Provide copies of all close observation or suicide watch logs for Nicole Smith from March 1, 2022, through May 19, 2022.

10. All records documenting the shift briefings and informational roll calls at the Cobb County Jail from April 1, 2022, through May 19, 2022.

11. Copies of all correspondence sent by any watch commander or his or her designee to Defendants between April 1, 2022, and May 19, 2022, which related to the following people or topics.

- a. Nicole Smith;
- b. Mesh underwear or safety panties provided to female inmates on close observation (see policy 2-03-07.02);
- c. Medical emergencies (see policy 2-10-05.01) or emergency medical care (see policy 2-06-04.01);
- d. Written directives, including any classification management directives, related to inmates in segregation, close observation, or who were considered SLM-1 status;
- e. Jail deaths.

12. Copies of all correspondence sent by any watch commander or his or her designee to any classification personnel regarding Nicole Smith from April 1, 2022, through May 19, 2022.

13. Copies of all correspondence sent by any watch commander or his or her designee to the jail commander or assistant jail commander between April 1, 2022, and May 19, 2022, regarding the following people or topics.

- a. Nicole Smith;

- b. Mesh underwear or safety panties provided to female inmates on close observation (see policy 2-03-07.02);
- c. Medical emergencies (see policy 2-10-05.01) or emergency medical care (see policy 2-06-04.01);
- d. Written directives, including any classification management directives, related to inmates in segregation, close observation, or who were considered SLM-1 status;
- e. Jail deaths.

14. A list of officers who worked in classification or had that duty as part of their job from April 1, 2022, through May 19, 2022.

15. Copies of all “pass on reports” from April 1, 2022, through May 19, 2022. To the extent not included in your response to this request, please provide copies of all documents in which Defendants Brown, Bains, or Padgett documented inmate activities during their shift to an oncoming shift during the requested period.

16. Copies of all training materials for trainings conducted for the Cobb County Sheriff’s Office or its jail staff about inmates with mental health needs in 2020 through 2022.

17. Copies of all training materials for trainings conducted for the Cobb County Sheriff’s Office or its jail staff about the jail’s suicide prevention program or about inmates on suicide watch in 2020 through 2022.

18. A complete copy of Nicole Smith's Offender Management System record.

To the extent possible, Plaintiffs request these records be provided in a digital format such that it possible to review the information in the same manner as a Cobb County employee with full access to the records would view it.

19. Copies of any written directives related to Nicole Smith.

20. Copies of any classification management directives related to Nicole Smith.

21. Provide a copy the following logs describing events in the pod in which Ms. Smith was housed, or describing Ms. Smith's activities or movement, from April 1, 2022, through and including May 19, 2022:

- a. Tower logs;
- b. Security rounds logs;
- c. Close observation logs;
- d. OMS activity logs or their physical counterparts.

22. Copies of documents describing the different types of logs maintained by the Cobb County Sheriff's Office in the operation of the Jail and the information required to be recorded in each type of log.

23. Provide all records documenting wellness checks and head counts conducted in Blocks A1, A2, and the infirmary at the Cobb County Jail from April 1, 2022, through and including May 19, 2022.

24. A complete copy of any investigative file into the death of Nicole Smith, including any disciplinary actions taken against any person related to her suicide.

25. A complete copy of any investigative file into the deaths of the following inmates at the Cobb County Jail, including any disciplinary actions taken against any person related to their death.

- a. Reginald Wilson
- b. Kevil Wingo
- c. Bradley Emory
- d. Joshua Capes
- e. Augustus Green
- f. William Lopez
- g. Clara Palmer
- h. Eva Konja

26. To the extent not provided in the documents produced in response to item Number 24, a complete copy of any investigative file into any suicide by an inmate at the Cobb County Jail from January 1, 2019, through and including April 10, 2025.

27. A copy of any document showing the name, date, and cause and manner of death, for any in-custody death at the Cobb County Jail from January 1, 2019, through and including April 10, 2025.

28. A copy of the security footage depicting the pod in which Nicole Smith was housed on the dates and times listed below. To the extent that the video files ordinarily require a proprietary software to view, please export the footage to a generally accessible format such as .mp4.

- a. April 11, 2022, from 17:00 to 19:00;
- b. May 13, 2022, from 12:30 to 13:35;
- c. May 18, 2022, from 18:00 through 23:59; and
- d. May 19, 2022, from 00:00 through 07:10.

29. A copy of any videos of Nicole Smith captured by body cameras from April 1, 2022, through May 19, 2023. Plaintiff is not requesting duplicates of those records already produced through Open Records Act requests.

30. A copy of all statements issued publicly by the Sheriff or Sheriff's Office regarding Nicole Smith's death.

31. Copies of any records (including documents, videos, or audio or video recording) detailing the suicide prevention program in effect at the Cobb County Jail in April and May 2022.

32. Copies of any receipt or invoice from the purchase of mesh underwear or safety panties provided to female inmates on close observation (see policy 2-03-07.02) from January 1, 2022, through and including December 31, 2022.

Submitted on May 1, 2025.

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Georgia Bar No. 825553
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Wingo F. Smith
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